

RAIN AND HAIL INSURANCE SERVICES, INC.,)	AGBCA No. 97-196-F
(R. A. ROWAN & COMPANY))	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Frank W. Pechacek, Jr.)	
Bruce B. Green)	
Willson & Pechacek, P.L.C.)	
P. O. Box 2029)	
Council Bluffs, Iowa 51502)	
)	
Representing the Government:)	
)	
Robert J. Crockett)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
33 New Montgomery Street, 17 th Floor)	
San Francisco, California 94105-4511)	

DECISION OF THE BOARD OF CONTRACT APPEALS

December 1, 1998

OPINION BY ADMINISTRATIVE JUDGE EDWARD HOURY

This appeal arose under a 1996 Standard Reinsurance Agreement (SRA) between the Federal Crop Insurance Corporation (FCIC), a wholly-owned Government corporation within the U. S. Department of Agriculture, and Rain and Hail Insurance Services, Inc., of West Des Moines, Iowa (Appellant). Under the SRA, Appellant sells and administers Multi-Peril Crop Insurance (MPCI) policies in furtherance of the Government's crop insurance program.

Prior to the 1996 crop year, the insured¹ had obtained MPCI through the Farm Service Agency of the USDA. The FCIC allows insureds to transfer their MPCI policies to reinsurers such as Appellant. Appellant accepted the transfer of the insured's 1996 cotton crop policy and was paid \$24,050 towards the premiums by FCIC. Thereafter, the FCIC concluded that Appellant had failed to timely notify the Farm Service Agency of the transfer and that such failure to notify resulted in duplicate insurance coverage. FCIC demanded the \$24,050 in premiums it had paid. Appellant

¹ The insured was R. A. Rowan & Company.

denied that it had not given timely notice and appealed FCIC's final administrative determination that the money was due.

The issues presented on appeal were whether timely notice was sent by Appellant, and whether it was necessary for Appellant to maintain documentation of when the request for transfer was sent.

The Complaint, Answer, Rule 4 file (7 CFR § 24.21, Rule 4) were filed. The Government filed a Motion for Summary Judgment and the Presiding Judge² convened a telephone conference call to discuss the issues and establish a time frame for a response to the Government's Motion. Thereafter, counsel for Appellant advised that the dispute had been settled and that the appeal should be dismissed.

DECISION

The appeal is dismissed as settled.

EDWARD HOURY
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D. C.
December 1, 1998

² Administrative Judge Robert M. M. Seto who had been the Presiding Judge, retired effective July 31, 1998.